IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT APPEAL NO : 1218 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15.3.2004 in W.P. No. 4795 of 2004 on the file of the High Court.)

Between:

Smt. O. Maniamma, W/o. Balaiah,
R/o. H.No. 12-1-40, Lalapet, Secunderabad.

**..... APPELLANT**

AND

1 Smt. S. Vasundhara, W/o. Late R. Ramaswamy,
Quarter No. 1/2 RT APHB Colony, Lalapet, Secunderabad.
2 Smt. R. Syamala, W/o. Late Vijaya Bhaskar,
Rep by her GPA Sri R.V.S. Prasad, S/o. Late Ramaswamy, age 38 years
Quarter No. 1/2 RT APHB Colony, Lalapet, Secunderabad.
3 The A.P. Housing Board, Rep by its Vice Chairman having its office At M.J. Road,
Hyderabad - 500 001.
4 The Municipal Corporation of Hyderabad Rep by its Commissioner, Tank Bund Road, Hyderabad.

**.....RESPONDENT(S)**

**Counsel for the Appellant:MR.A.RAVINDER REDDY**

**Counsel for the Respondent Nos.1 and 2: Mr. D. Madhava Rao**

**Counsel for the Respondent No.3: Mr. J. Prabhakar**

**Counsel for the Respondent No.4: SMT.G.JYOTHI KIRAN**

**The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)**

The writ petition was filed by respondents 1 and 2 herein seeking certain directions against respondents 3 and 4. Appellant was impleaded as 3rd respondent in the writ petition. Learned single judge disposed of the writ petition at the admission stage without notice to the appellant by taking the facts as stated in the writ petition to be true and assuming that the case of respondents 1 and 2 was required to be considered for effecting sale of a stray piece of land in their favour. Accordingly, a direction was issued to the respondent No.3 herein to pass appropriate orders on the representation of the writ petitioners in terms of G.O. Ms. No.38, dated 30.05.1997 within six weeks.

The grievance of the appellant is that the impugned order was passed in violation of the principles of natural justice thereby vitally affecting the rights of the appellant. Appellant has alleged that the writ petitioners have misrepresented the facts. It was further alleged that the land, which is sought to be transferred by the writ petitioners is already sold in favour of the appellant and therefore they cannot seek directions for transfer of the said land in their favour.

The learned single judge while disposing of the writ petition did not issue any notice to the appellant and disposed of the writ petition directing the 3rd respondent to dispose of the representation of the writ petitioners. Even such like orders which they might appear to be innocuous, ought not to be passed, more particularly, without issuing notices to the parties concerned. Learned single judge also did not think it appropriate to delete the name of the appellant or holding the appellant to be unnecessary party. Therefore, such an order cannot

withstand the scrutiny of law. The appeal, accordingly, deserves to be allowed.

The Writ Appeal is allowed. The impugned order passed by the learned single judge is set aside with a request to the learned judge to dispose of the writ petition after hearing all the parties. Till the writ petition is heard and disposed of by the learned single judge, it is directed that status-quo as of today as regards the allotment of the land in question will continue to be maintained. No costs.

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DEVINDER GUPTA, CJ

Date: 16th August, 2004

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C.V.RAMULU,J

Pnb

To

1 Smt. S. Vasundhara, W/o. Late R. Ramaswamy,
Quarter No. 1/2 RT APHB Colony, Lalapet, Secunderabad.

2 Smt. R. Syamala, W/o. Late Vijaya Bhaskar,
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Quarter No. 1/2 RT APHB Colony, Lalapet, Secunderabad.

3 The Vice Chairman, A.P. Housing Board, M.J. Road,
Hyderabad - 500 001.

4 The Commissioner, Municipal Corporation of Hyderabad, Tank Bund

Road, Hyderabad.

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